



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 21, 2008

By Fax

Hon. Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007

Re: Timothy Moss v. Astrue
07 Civ. 6578 (VM)

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5-22-08

Dear Judge Marrero:

This Office represents the Commissioner of Social Security, the defendant in this action. We write respectfully, with the consent of plaintiff's counsel, to request an extension of the Court's briefing schedule.

Under the current schedule, defendant's brief in support of a motion for judgment on the pleadings was due by May 21, 2008, plaintiff's brief in support of a cross-motion for judgment on the pleadings was due within thirty days of defendant's motion, and defendant's reply, if any, was due within fourteen days of plaintiff's cross-motion. The Social Security Administration continues to review this matter, which could result in a change of the defendant's litigation position in this action. Because this matter may be settled without the need for further litigation, we respectfully request that the Court adopt the following proposed briefing schedule:

- 1) Defendant shall serve a motion for judgment on the pleadings by June 23, 2008;
- 2) Plaintiff shall serve a response to defendant's motion within thirty days of the defendant's motion;
- 3) Defendant shall serve a reply, if any, within fourteen days of plaintiff's response.

Plaintiff's counsel has consented to this request. This is

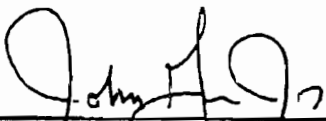
the second request for an adjournment of the briefing schedule.

We apologize for the delay in making this request and thank the Court for its attention to this matter.

Respectfully,


MICHAEL J. GARCIA
United States Attorney

By:



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cc: Christopher James Bowes, Esq.
(By Fax)

Request GRANTED. The briefing schedule with regard to the motion <u>judgment on the pleadings</u> herein	
is extended as set forth herein: motion papers submitted by <u>6-23-08</u> ; response <u>7-23-08</u> ;	
reply <u>8-6-08</u> .	
SO ORDERED.	
<u>5-22-08</u> DATE	 VICTOR MARRERO, U.S.D.J.